

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL DOCKET NO. 09-229
v.	*	SECTION: "N"
GEORGE MAGEE	*	
	*	
	*	
	*	

FACTUAL BASIS

If this case were to proceed to trial, the United States would prove beyond a reasonable doubt, through credible testimony and reliable evidence, the following facts:

***The Defendant Applied for and Received Benefits from the
Federal Emergency Management Agency after Hurricane Katrina***

On August 29, 2005, Hurricane Katrina made landfall in southeastern Louisiana causing widespread damage to the City of New Orleans. After Hurricane Katrina devastated the City of New Orleans, the Federal Emergency Management Agency ("FEMA") immediately provided disaster assistance to individuals affected by the storm, including emergency assistance funding.

Prior to and on the date Hurricane Katrina made landfall, the defendant, **GEORGE MAGEE**, lived in an apartment located at 1279 S. Rocheblave Street, Apartment A, New Orleans, Louisiana 70125. On or about September 8, 2005, the defendant, **GEORGE MAGEE**, submitted a FEMA application claiming a damaged rental address of 1279 S. Rocheblave Street,

Apartment A. When **GEORGE MAGEE** returned to New Orleans, Louisiana, on or about January 2006, he lived in 1938 Jackson Avenue, Apartment 3, New Orleans, Louisiana 70113.

On or about September 9, 2005 and on or about October 19, 2005, FEMA disbursed payments in expedited assistance totaling \$4,358 and payable to **GEORGE MAGEE** in connection with his applications. FEMA also provided **GEORGE MAGEE** with rental assistance from at least March of 2006 continuing through November of 2008.

Count 1- Mail Fraud

From on or about February 11, 2006 to on or about April 28, 2006 in the Eastern District of Louisiana, the defendant, **GEORGE MAGEE**, did knowingly and willfully devise and intend to devise a scheme and artifice to defraud and to obtain money and property from FEMA by means of false representations by falsely and fraudulently obtaining financial assistance from FEMA, to which he was not entitled.

In furtherance of his fraudulent scheme, on or about February 11, 2006, in the Eastern District of Louisiana, the defendant **GEORGE MAGEE**, submitted an application for temporary housing assistance to FEMA, using the name and date of birth of an individual named A.W.

In the application, the defendant, **GEORGE MAGEE**, knowing the information was false, stated that A.W. lived at 2837 S. Roman St., New Orleans, Louisiana, 70125 prior to Hurricane Katrina. The defendant also falsely indicated that A.W.'s current mailing address was 1938 Jackson Avenue, Apartment 5, New Orleans, Louisiana, 70113.

In order to mislead FEMA officials into believing A.W. occupied the residence located at 2837 S. Roman St., New Orleans, Louisiana prior to the storm, the defendant, **GEORGE MAGEE**, intentionally submitted a false and fraudulent DirecTV invoice, dated June 22, 2005,

showing that prior to Hurricane Katrina, A.W. lived at 2837 S. Roman St., New Orleans, Louisiana 70125 and had DirecTV service there. In reality, A.W. never lived at this address or had DirecTV service there.

The defendant, **GEORGE MAGEE**, admits that an individual in his neighborhood named C.H. instructed him on how to conceal his fraud using doctored DirecTV invoices. The defendant provided C.H., who is now deceased, with A.W.'s information and C.H. produced a professional quality false document in the name of A.W. that the defendant submitted as proof that A.W. lived at the damaged address. This fraudulent scheme allowed the defendant to receive a check from FEMA in A.W.'s name, which the defendant later deposited into the defendant's bank account.

On or about April 19, 2006, the United States Treasury mailed a check via the United States Postal Service in the amount of \$5,856.98 to A.W. at 1938 Jackson Avenue, Apartment 5, New Orleans, Louisiana, 70113.

On or about April 28, 2006, the defendant, **GEORGE MAGEE**, caused the United States Treasury check made payable to A.W. in the amount of \$5,856.98 at 1938 Jackson Avenue, Apartment 5, New Orleans, Louisiana, 70113 to be deposited into the defendant's bank account at U.S. Bank in Omaha, Nebraska.

Count 2- Mail Fraud

From on or about February 10, 2006 to on or about May 26, 2006 in the Eastern District of Louisiana, the defendant, **GEORGE MAGEE**, did knowingly and willfully devise and intend to devise a scheme and artifice to defraud and to obtain money and property from FEMA, by means of false representations by falsely and fraudulently obtaining financial assistance from

FEMA, to which he was not entitled.

In furtherance of his fraudulent scheme, on or around February 10, 2006, in the Eastern District of Louisiana, the defendant **GEORGE MAGEE**, intentionally submitted an application for temporary housing assistance to FEMA, using the name, date of birth, and social security number of an individual named L.W. The idea to use the identity of L.W. was proposed by the defendant's common law wife, N.W. (now deceased), who was the sister of L.W. and who had access to L.W.'s personal identifying information.

In the application, the defendant, **GEORGE MAGEE**, falsely claimed that L.W. lived at 2333 S. Derbigny St., New Orleans, Louisiana, 70125 prior to Hurricane Katrina and that this property was damaged as a result of the storm. The defendant also falsely indicated that L.W.'s current mailing address was 1938 Jackson Avenue, Apartment 5, New Orleans, Louisiana 70113.

In order to mislead FEMA officials into believing L.W. occupied the damaged address 2333 S. Derbigny St., New Orleans, Louisiana, the defendant, **GEORGE MAGEE**, knowingly submitted a false and fraudulent DirecTV invoice, dated June 22, 2005, purporting to show that prior to Hurricane Katrina, L.W. lived at 2333 S. Derbigny St., New Orleans, Louisiana and was a DirecTV subscriber. In reality, L.W. was an inmate serving a life sentence at the Louisiana State Penitentiary at the time of Hurricane Katrina and never lived at 2333 S. Derbigny St. or had a DirecTV account.

The defendant, **GEORGE MAGEE**, admits that an individual in his neighborhood named C.H. instructed him on how to conceal his fraud using doctored DirecTV invoices. The defendant provided C.H., who is now deceased, with L.W.'s information and C.H. produced a

professional quality false document in the name of L.W. that the defendant submitted as proof that L.W. lived at the damaged address. This fraudulent scheme allowed the defendant to receive a check from FEMA in L.W.'s name, which the defendant later deposited into the defendant's bank account.

On or around April 26, 2006, the United States Treasury sent a check payable to L.W. in the amount of \$1,880 by United States mail to 1938 Jackson Avenue, Apartment 5, New Orleans, Louisiana.

On or around May 26, 2006, the defendant, **GEORGE MAGEE**, caused the United States Treasury check payable to L.W. in the amount of \$1,880 to be deposited in the defendant's bank account at U.S. Bank in Omaha, Nebraska.

Count 3- Theft of Federal Funds

From on or about January 23, 2006 and continuing through on or about August of 2009, in the Eastern District of Louisiana, the defendant, **GEORGE MAGEE**, did knowingly steal and convert to his own use money and funds of the United States Department of Agriculture, a department and agency of the United States, namely, food stamps issued by the Louisiana Department of Social Services, Office of Family Support, ("DSS") a governmental agency of the State of Louisiana, in the amount of approximately \$10,017.00 to which he was not entitled.

In order to obtain this additional money in food stamps, the defendant, **GEORGE MAGEE**, intentionally provided false and fraudulent information to DSS that two additional adults were members of his household. This information caused DSS to disburse more benefits to the defendant, **GEORGE MAGEE**, beyond the amount he was entitled to have.

In summary, all of the evidence introduced at trial would establish the elements of the offenses charged in the Superseding Bill of Information and prove the defendant's guilt beyond a reasonable doubt.

READ AND APPROVED:

GEORGE MAGEE (Date)
Defendant

MARK MOELLER (Date)
Counsel for Defendant

SHARAN E. LIEBERMAN (Date)
Assistant U.S. Attorney